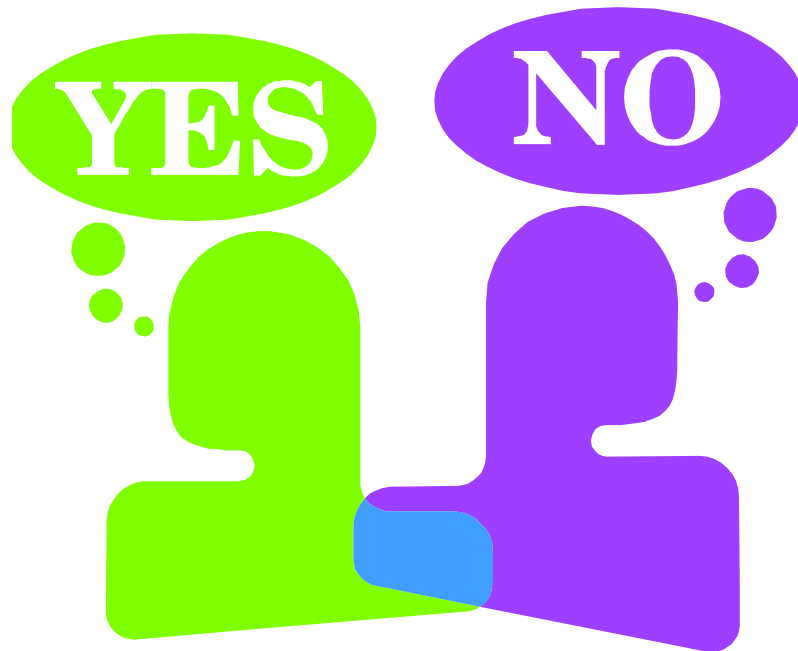


Open Enrollment Reasons for Denial



Authority

Wis. Stats. § 118.51

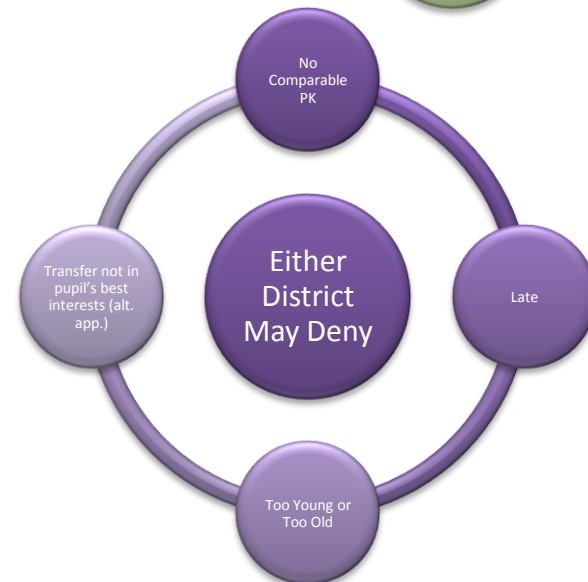
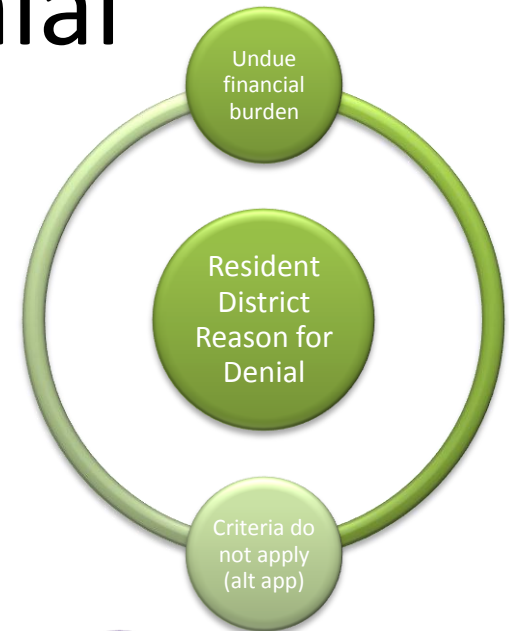
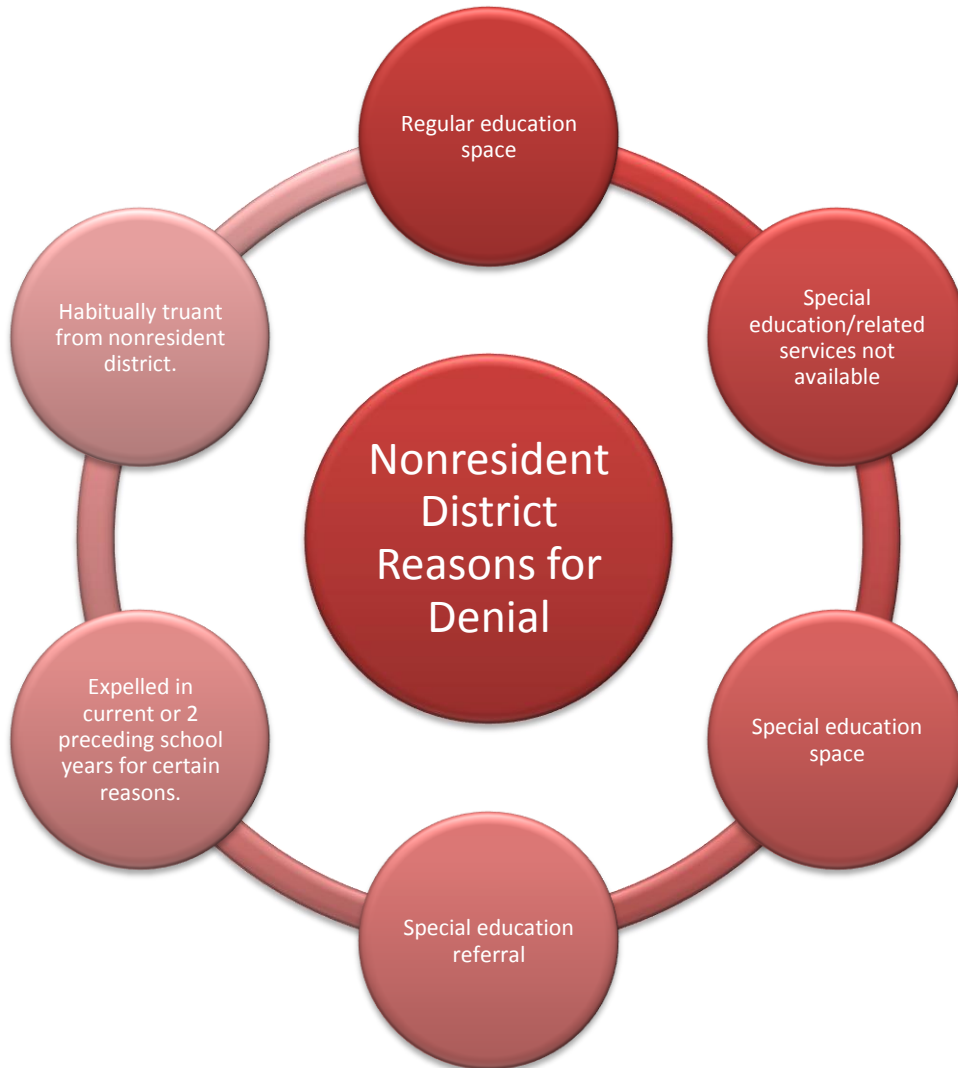
Wis. Adm. Code § PI 36

Statutes, Rules,
Policy, Courts

School Board Policy

Wis. Court of Appeals
U.S. District Court

Reasons for Denial





Nonresident District Reasons for Denial

Regular Education Space

Criteria may include:

The availability of space in the schools, programs, classes or grades within the district.

May consider criteria such as class size limits, pupil-teacher ratios, or enrollment projections.

Space must be filled randomly after preferences for currently-attending pupils & siblings.

May include in projections:

Pupils attending the district whose tuition is paid by another district.

Pupils and siblings of pupils who are already attending the nonresident district, including 8th grade pupils attending an underlying K8 of a UHS district.

Wis. Stats. § 118.51 (3) (a) 2. & (5)

Space Criteria

Most Common

- Class sizes
- Enrollment projections

Less Common

- Building capacity

Less Common

- Subjective criteria
- Must explain

January Board Meeting

Designate Spaces

- Regular education by grade in the district
- For the upcoming application period

Must Fill

- No more and no fewer
- Before approval/denial deadline

Waiting list

- If spaces become available
- After approval/denial deadline

Special Education: Space, Availability, Referral

Criteria may include:

Whether the special education & related services in the IEP are available in the district.

Whether there is space to provide the special education & related services in the IEP.

Whether the child has been referred for a special education evaluation that has not been completed.

Wis. Stats. 118.51 (5) (a) 3., 4., & 6.

January Board Meeting - SPED



Designate Spaces

- Special education spaces
- For upcoming application period



Program or Service

- For each program or services
- For which a class size/caseload can be set



IEP

- Each IEP must be considered individually
- Must have space in all required services

Expulsion

Criteria may include:

Whether the pupil has been expelled in the current or 2 preceding school years for any of the following:

Threat or false information concerning an attempt to blow up the school.

Possessing a dangerous weapon at school or under school authority.

Engaging in conduct at school that endangered health, safety or property of others, or away from school that endangered health, safety or property of school officials.

Wis. Stats. § 118.51 (5) (a) 2.

No school board is required to enroll a pupil who is expelled from another district.

Wis. Stats. § 120.13 (1) (f)

Must Obtain Records



Current Expulsion

- Can deny application.
- Regardless of the reason for expulsion.



Past Expulsion

- Can deny application.
- Only if expelled in current or 2 preceding years.
- For reasons specified in statute.

Habitual Truancy

Criteria may include:

Whether the pupil was habitually-truant from the nonresident district during any semester in the current or previous school year.

Wis. Stats. § 118.51 (5) (a) 3.

Habitual truant means a pupil who is absent without an acceptable excuse for part or all of 5 school days in a semester.

Wis. Stats. § 118.16 (1) (a)



Resident District Reasons for Denial

Undue Financial Burden

If the estimate of costs to provide special education & related services in the nonresident district would impose upon the child's resident district an undue financial burden....

...in light of the district's total economic circumstance, including...

...its revenue limit...

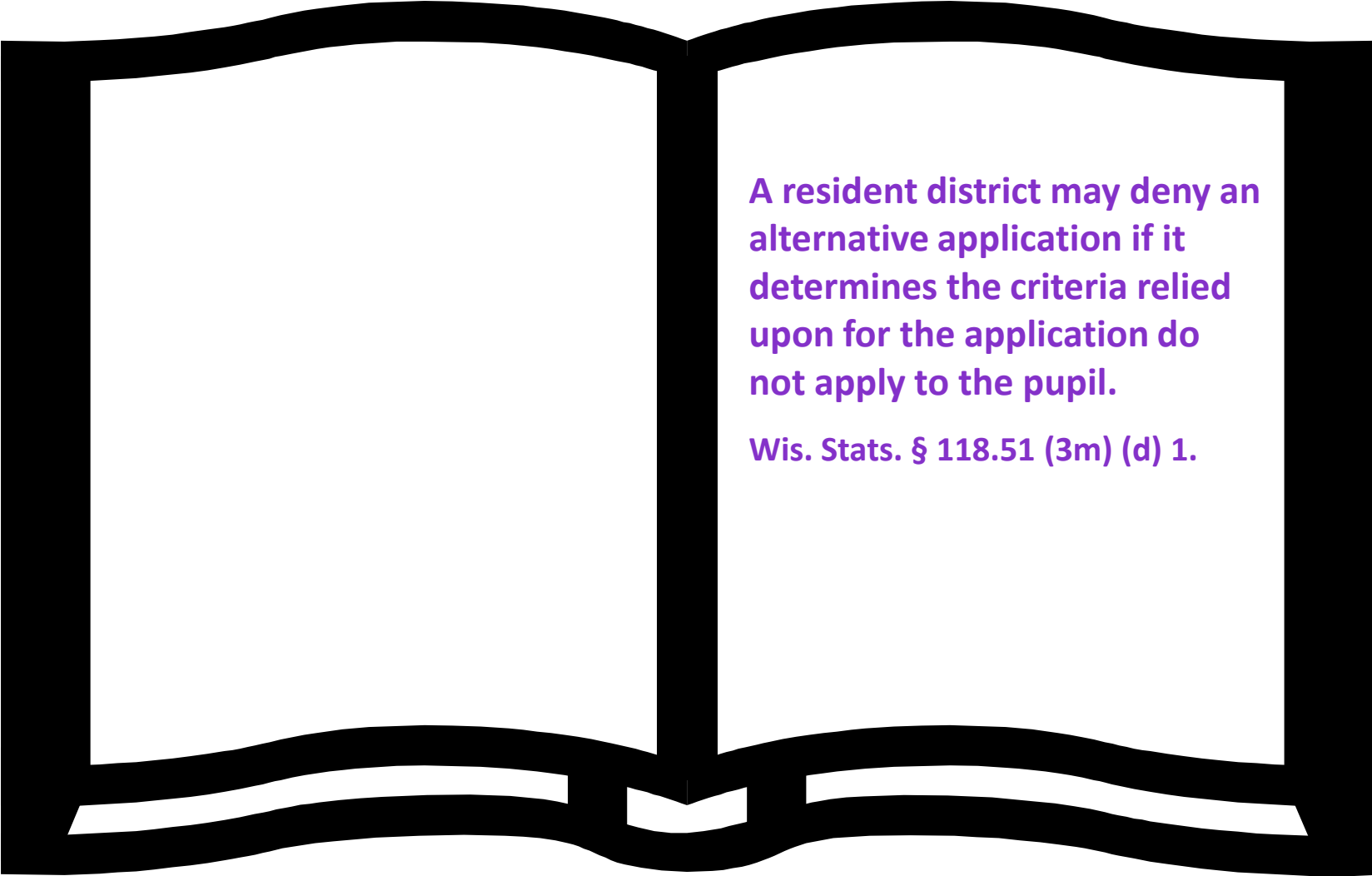
...its ability to pay the tuition cost, and

...the per pupil special education or related services costs for pupils continuing to be served in the resident district....

...the resident district may deny the open enrollment.

Wis. Stats. § 118.51 (12) (b) 1.

Criteria Do Not Apply (Alt App)



A resident district may deny an alternative application if it determines the criteria relied upon for the application do not apply to the pupil.

Wis. Stats. § 118.51 (3m) (d) 1.



Reasons Either District May Deny

No Comparable 4K

A pupil may attend a PK, 4K, or early childhood or school-operated day care program in a nonresident district only if:

The pupil's resident district offers the same type of program, and

The pupil is eligible for the program in the resident district.

Wis. Stats. § 118.51 (2)

The programs are the same type of program if pupils in both programs can be included in state aid membership...

...regardless of whether the pupil is counted as .5 or .6,

For a child with a disability, the same type of program is the pupil's special education.

Wis. Adm. Code § PI 36.03 (3)

Too Young or Too Old

A pupil is entitled to a tuition-free education between the ages of 4 and 20 years.

Art. X, Sec. 3, Wis. Constitution

If a statute refers to a numerical series such as 1 to 10, the reference includes both the first and last number mentioned.

Wis. Stats. § 990.001 (14)

No child may be admitted to...

...4K unless the child is at least 4 by September 1.

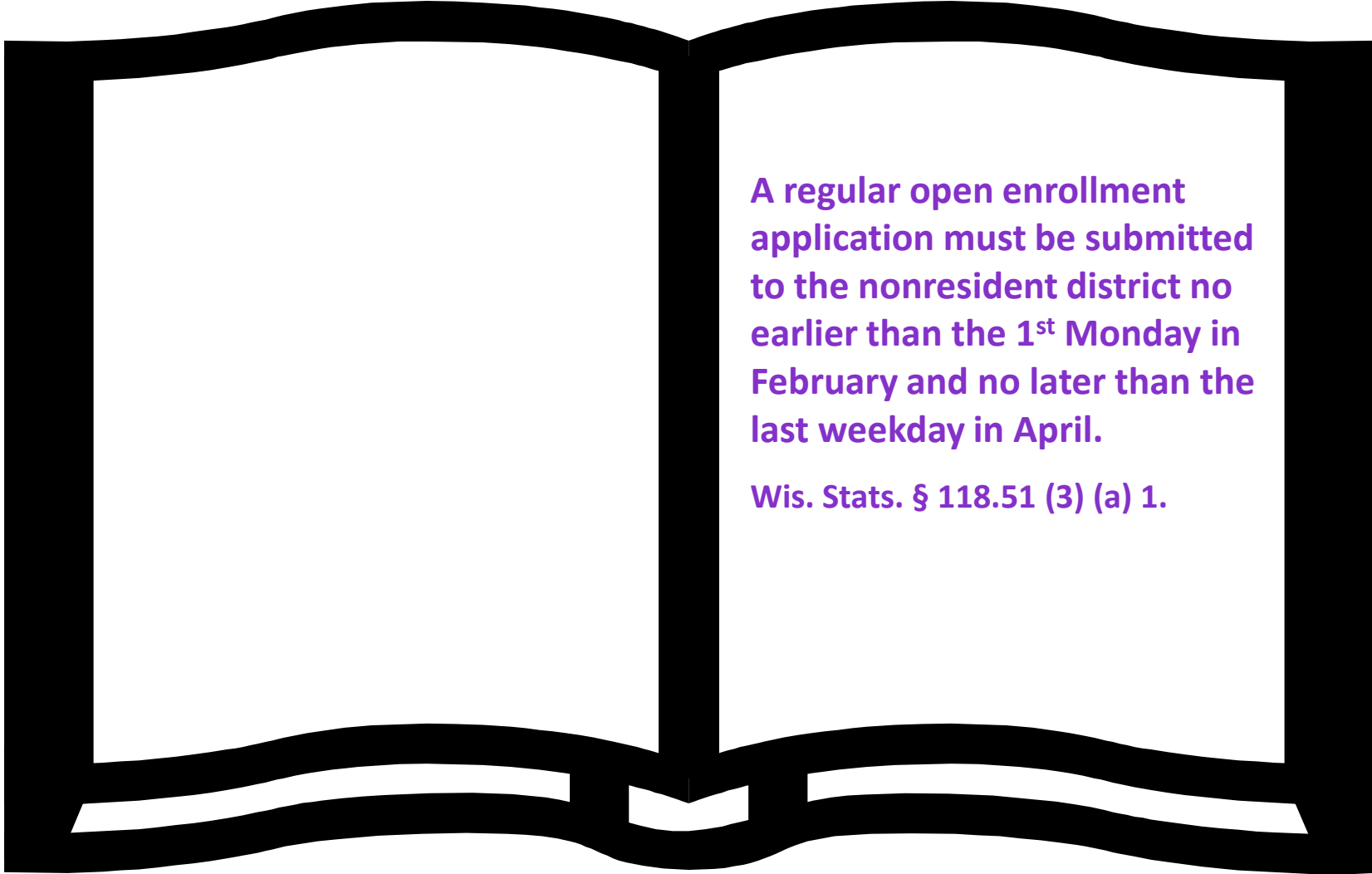
...5K unless the child is at least 5 by September 1.

Wis. Stats. § 118.14 (1)

A child with a disability is any child who is at least 3 years old but not yet 21 years old...

Wis. Stats. § 115.76 (3)

Late or Too Many Applications



A regular open enrollment application must be submitted to the nonresident district no earlier than the 1st Monday in February and no later than the last weekday in April.

Wis. Stats. § 118.51 (3) (a) 1.

Not In Pupil's Best Interests (Alt App)

An alternative application may be submitted to a nonresident school district if the parent, the nonresident district and the resident district agree the application is in the pupil's best interests.

Wis. Stats. § 118.51 (3m) (a) 7 & 8.

Best interests of the pupil means a pupil's educational, physical and emotional well-being and includes family & other circumstances that affect the pupil's educational, physical or emotional well-being.

Wis. Adm. Code § PI 36.02 (7)

Knowledge Check – Question 1

- A pupil who is 19 or 20 years old may be denied open enrollment.
 - a. True
 - b. False

Knowledge Check – Question 2

- Which of the following are reason(s) a nonresident district may deny open enrollment?
 - a. No space in pupil's grade.
 - b. No space in pupil's special education.
 - c. Pupil has been truant from resident district.
 - d. Pupil is currently expelled.
 - e. Pupil has been incarcerated for drugs, but has not been expelled by any school district.

Knowledge Check – Question 3

- Which of the following are reasons a resident district may deny open enrollment?
 - a. 19-year-old pupil has dropped out and is not entitled to return to school.
 - b. Cost of special education is an undue financial burden.
 - c. Too many pupils are already open enrolled out.
 - d. Pupils should attend school in their resident school districts.